

Senate Bill No. 537

CHAPTER 630

An act to amend Sections 500, 500.1, 501, 502, 502.1, 502.2, 502.5, 503, 504, 506, 507, 508, 509, 510, 511, 511.5, 512, 513, 514, 515, 516, 516.1, 517, 518, 519, 520, 520.1, 530, and 531 of, to add Sections 502.3 and 532 to, and to repeal and add Section 505 of, the Military and Veterans Code, relating to the military.

[Approved by Governor October 8, 2011. Filed with
Secretary of State October 8, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 537, Correa. California Cadet Corps.

Existing law establishes in state government the Military Department, which includes, among others, the Office of the Adjutant General, the California National Guard, and the California Cadet Corps. Existing law establishes various duties for these officers and entities. Existing law generally authorizes the organization of a cadet company at each college, community college, high school, and each senior high school in this state having 100 or more students of 14 years of age or over under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe, and authorizes the Adjutant General to appoint officers in the California Cadet Corps for duty in each community college, high school, junior high school, or elementary school under the jurisdiction of the governing board.

This bill would authorize the organization of a California Cadet Corps at each college, community college, or school where there is not currently a J.R.O.T.C. or R.O.T.C. program, and under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe. This bill would also authorize the Adjutant General to appoint officers, warrant officers, and noncommissioned officers for duty in each college, community college, or school under the jurisdiction of the governing board, and require that their pay, allowances, and expenses be disbursed from the college, community college, or school in which they serve. This bill would authorize the Adjutant General to order those officers to temporary state active duty to perform functions in support of the California Cadet Corps. Additionally, this bill authorizes the Governor, upon recommendation of the Adjutant General, to appoint Special Project Officers, warrant officers, and noncommissioned officers for service in the California Cadet Corps, and authorizes the Adjutant General to adopt rules and regulations for the promotion of officers, warrant officers, and noncommissioned officers of the California Cadet Corps.

Existing law authorizes members of the California Cadet Corps to use California National Guard rifle ranges.

This bill would authorize members of the California Cadet Corps to use California National Guard facilities for training purposes.

Existing law authorizes any executive officer, assistant executive officer, supervisor of cadet instruction, or officer hurt in the line of duty to receive workers' compensation, as provided. Existing law creates a presumption that the average yearly earning of such individual is not less than \$2,500.

This bill would authorize any executive officer, assistant executive officer, advisor, officer, warrant officer, or noncommissioned officer hurt in the line of duty to receive workers' compensation, as provided. This bill would create a presumption that the yearly earning of such individual is not less than \$10,000.

Existing law authorizes the instructors of a military academy meeting specified requirements, including having 80 or more male students, to be commissioned in the California Cadet Corps, and authorizes the Adjutant General to enter into a cooperative agreement with the City of Oakland and a school district to establish an Oakland Military Institute.

This bill would authorize the instructors of a military academy meeting specified requirements, including having more than 80 students, to be commissioned in the California Cadet Corps, and authorize the Adjutant General to enter into a cooperative agreement with a governing board of a school district or a county office of education to establish a military academy or an alternative education option, as specified.

Existing law requires units of the California Cadet Corps to be inspected at least once each year by the executive officer, the assistant executive officer, the regional supervisors of cadet instruction, or any of them, or by officers of the National Guard, State Military Reserve, or Naval Militia detailed by the Adjutant General for that purpose.

This bill would instead require the executive officer, the assistant executive officer, the regional advisors or military officers of the California National Guard, State Military Reserve, or Naval Militia detailed by the Adjutant General to inspect units of the California Cadet Corps at least once every 2 years and annually for any unit receiving a rating of unsatisfactory in a prior year's inspection. This bill would also require units in their first year of operation to receive an assistance visit to ensure assigned personnel receive the training and support needed to adequately prepare for their first formal, for-record inspection.

This bill would also make other conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 500 of the Military and Veterans Code is amended to read:

500. The students of any college, community college, or school in this state may be organized into a California Cadet Corps company or companies

under such rules and regulations as the governing body of the schools or colleges and the Adjutant General of the State of California may prescribe. A California Cadet Corps company or companies shall be of such strength as may be prescribed by the Adjutant General.

SEC. 2. Section 500.1 of the Military and Veterans Code is amended to read:

500.1. Except as hereinafter provided, each college, community college, or school in this state in which there is not maintained a J.R.O.T.C. or R.O.T.C. unit may establish a California Cadet Corps company or companies under the rules and regulations as the governing body of the schools and the Adjutant General may prescribe. A California Cadet Corps company or companies shall be of such strength as shall be prescribed by the Adjutant General. A California Cadet Corps company or companies is not required to be established in a school, college, or community college unless a number of qualified students sufficient to constitute a company or companies of the strength prescribed by the Adjutant General voluntarily enroll therein.

SEC. 3. Section 501 of the Military and Veterans Code is amended to read:

501. California Cadet Corps companies shall at all times be under the guidance and control of the principal, president, director, or chief administrative officer of the college, community college, or school, whose duty it shall be to make regulations with the approval of the Adjutant General regarding the moral, educational, and physical welfare of the cadets.

SEC. 4. Section 502 of the Military and Veterans Code is amended to read:

502. Upon recommendation of the governing board having jurisdiction over the college, community college, or school, the Adjutant General may appoint officers, warrant officers, and noncommissioned officers in the California Cadet Corps for duty as commandants of cadets or assistant commandants of cadets in each college, community college, or school under the jurisdiction of the governing board. Except when ordered to state active duty by the Governor, the officers, warrant officers, and noncommissioned officers shall be under the immediate control and jurisdiction of the governing board of the college, community college, or school at which they are on duty, and pay, allowances, and expenses shall be disbursed from funds appropriated for the maintenance and operations of the college, community college, or school where they serve. Each officer, warrant officer, and noncommissioned officer shall hold his or her appointment at the pleasure of the governing board, or until a successor has been appointed and qualified, or his or her affiliation with the California Cadet Corps is severed.

SEC. 5. Section 502.1 of the Military and Veterans Code is amended to read:

502.1. The Adjutant General shall determine by the adoption of rules and regulations the grade and rank to be held by individuals appointed in the California Cadet Corps by reason of their military experience or

professional knowledge, or both. These individuals shall be appointed pursuant to the rules and regulations adopted by the Adjutant General.

A person who has previously been an officer, warrant officer, or noncommissioned officer of, and discharged under honorable conditions from, the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, or any reserve component of such federal forces, the California National Guard, the State Military Reserve, or the active militia may be appointed in the California Cadet Corps in the same rank last held in such federal or state military forces. Each officer, warrant officer, or noncommissioned officer shall hold office pursuant to the rules and regulations adopted by the Adjutant General. Upon recommendation of the Adjutant General, the Governor may commission one executive officer of the California Cadet Corps as colonel, one assistant executive officer of the California Cadet Corps as lieutenant colonel, and the necessary number of regional advisors in the same grade and rank last held in federal or state military forces, not to exceed lieutenant colonel, pursuant to rules and regulations adopted by the Adjutant General. Upon the recommendation of the Adjutant General, the Governor may appoint Special Project Officers, warrant officers, and noncommissioned officers to the same grade and rank last held in federal or state military forces for service in the California Cadet Corps by virtue of their professional knowledge and experience. Pay and expenses shall be taken from the funds appropriated for the maintenance and support of the California Cadet Corps.

SEC. 6. Section 502.2 of the Military and Veterans Code is amended to read:

502.2. The executive officer as a colonel in the California National Guard, State Military Reserve, or California Cadet Corps; the assistant executive officer as a lieutenant colonel in the California National Guard, State Military Reserve, or California Cadet Corps; the regional advisors appointed pursuant to Section 502.1; and the individuals appointed in the California Cadet Corps according to rules and regulations adopted by the Adjutant General shall wear uniforms prescribed by the Adjutant General, including cap and collar ornaments and other distinctive marks of identification of the California Cadet Corps. Uniforms shall not be inconsistent with rules and regulations of the United States Army.

SEC. 7. Section 502.3 is added to the Military and Veterans Code, to read:

502.3. The Adjutant General may adopt rules and regulations providing for the promotion of officers, warrant officers, and noncommissioned officers of the California Cadet Corps.

SEC. 8. Section 502.5 of the Military and Veterans Code is amended to read:

502.5. The Adjutant General may order officers, warrant officers, and noncommissioned officers in the California Cadet Corps to duty at encampments, exercises, or other activities conducted by the corps. While on duty, officers, warrant officers, and noncommissioned officers shall

receive the same base pay, without longevity, as members of similar grade in the United States Army together with their expenses. Pay and expenses for these purposes shall be paid from funds appropriated for the maintenance and support of the California Cadet Corps.

SEC. 9. Section 503 of the Military and Veterans Code is amended to read:

503. Cadet companies shall be organized and each shall consist of commissioned cadet officers, cadet warrant officers, and noncommissioned cadet officers as shall be prescribed by the Adjutant General, and as shall conform generally to the number of commissioned, warrant, and noncommissioned officers of companies of the California National Guard. Commissioned cadet officers shall be commissioned in accordance with rules and regulations adopted by the Adjutant General and upon recommendation of the commandant of cadets and with the approval of the president, director, chief administrative officer, or principal of the college, community college, or school. The warrant and noncommissioned cadet officers shall be appointed by the commandant of cadets with the approval of the president, director, chief administrative officer, or principal of the college, community college, or school.

SEC. 10. Section 504 of the Military and Veterans Code is amended to read:

504. The Adjutant General shall adopt rules and regulations for the formation of cadet brigades, regiments, and battalions and shall adopt tables of organization and provide for the appointment of cadet brigade, regimental, and battalion officers and staffs. All cadet battalion officers, regimental, and noncommissioned officers shall be appointed, commissioned, or warranted in accordance with rules and regulations adopted by the Adjutant General and upon the recommendation of the commandant of cadets with the approval of the president, director, chief administrative officer, or principal of the college, community college, or school.

SEC. 11. Section 505 of the Military and Veterans Code is repealed.

SEC. 12. Section 505 is added to the Military and Veterans Code, to read:

505. The Adjutant General may order officers, warrant officers, and noncommissioned officers of the California Cadet Corps to temporary state active duty to perform functions in support of the California Cadet Corps. Pay for such duties shall be disbursed from funds appropriated for the support and maintenance of the California Cadet Corps.

SEC. 13. Section 506 of the Military and Veterans Code is amended to read:

506. All cadet officers, cadet warrant officers, and cadet noncommissioned officers shall be promoted according to rules and regulations adopted by the Adjutant General upon the recommendation of the commandant of cadets and with the approval of the president, director, chief administrative officer, or principal of the college, community college, or school.

SEC. 14. Section 507 of the Military and Veterans Code is amended to read:

507. Upon the recommendation of the president, director, chief administrative officer, or principal of the college, community college, or school in which the California Cadet Corps participates, the commission or warrant of any cadet commissioned officer, cadet warrant officer, or cadet noncommissioned officer may be canceled, and the cadet reduced in rank or dismissed from the California Cadet Corps, for deficiency in academic studies; misbehavior in the college, community college, or school the cadet is attending; misbehavior in the California Cadet Corps; or for any other reason deemed good cause by the president, director, chief administrative officer, or principal of the college, community college, or school.

SEC. 15. Section 508 of the Military and Veterans Code is amended to read:

508. The California Cadet Corps shall train in accordance with the appropriate manuals prescribed by the United States Army and by the rules and regulations adopted by the Adjutant General. A uniformed corps of cadets shall not be organized in any college, community college, or school except as authorized by this chapter, provided that J.R.O.T.C., R.O.T.C., and other federally approved military units shall not be subject to or limited by this code.

SEC. 16. Section 509 of the Military and Veterans Code is amended to read:

509. The Adjutant General shall provide suitable training regulations, books and courses of instruction, and the necessary forms for reports or other necessary purposes to be used by the California Cadet Corps. The Adjutant General may take such action as is necessary to promote the general welfare, strength, and morale of the California Cadet Corps and to provide for the recreation of cadets.

SEC. 17. Section 510 of the Military and Veterans Code is amended to read:

510. The Adjutant General shall prescribe the uniforms the members of the California Cadet Corps shall wear. The Adjutant General may issue to the California Cadet Corps necessary cap and collar ornaments and chevrons, training aids, insignia of rank and of the California Cadet Corps, awards and decoration, flags, colors, guidons, standards, slings and carrying devices, canteens and covers, belts, first aid packets, mess kits, shelter halves, haversacks, and such other military property or equipment in the control of the Adjutant General as may not be required for the California National Guard, other state military forces, or other military purposes. A regulation uniform for cadets shall be kept in the Adjutant General's office to be used as a sample from which the uniforms for the California Cadet Corps shall be made. Such issues may be made by the Adjutant General without charge to the members of the California Cadet Corps or to the school or college or community college. The Adjutant General, after receiving written acknowledgment from the president, director, chief administrative officer,

or principal of the college, community college, or school of the receipt of such property, shall account the same as a transfer of equipment.

SEC. 18. Section 511 of the Military and Veterans Code is amended to read:

511. A sufficient number of rifles suitable for drill or marksmanship purposes, or both may be purchased by the board of school trustees, board of education, board of directors or trustees of a college or community college, county superintendent of schools, the Superintendent of Public Instruction, or the Adjutant General out of any funds available and not otherwise appropriated.

SEC. 19. Section 511.5 of the Military and Veterans Code is amended to read:

511.5. Under rules and regulations adopted by the Adjutant General, the Adjutant General may purchase uniforms for the members of the California Cadet Corps, including caps, helmets, liners, shirts, trousers, belts, jackets, skirts, blouses, ties, and leggings.

The Adjutant General, with the approval of the Department of Finance, may annually determine the uniform cost per cadet.

SEC. 20. Section 512 of the Military and Veterans Code is amended to read:

512. Marksmanship practice shall constitute a part of the instruction to be given to cadets. Members of the California Cadet Corps may engage in rifle matches and competitions conducted or held in this state or at any place in the United States. The Adjutant General may purchase and supply to each of the colleges, community colleges, and schools a sufficient number of efficient rifles for field target work and gallery practice and the ammunition and equipment necessary for efficient rifle practice. A sufficient number of rifles suitable for field target work or gallery target firing and the ammunition and equipment may be purchased by a board of school trustees, board of education, board of directors or trustees of a college or community college, county superintendent of schools, or the Superintendent of Public Instruction, out of any funds available, and the governing body or governing officials of any school, community college, or college may purchase the necessary parts for and may repair any rifles acquired or furnished to the California Cadet Corps. All marksmanship practice shall be under the supervision of the president, chief administrative officer, director, or principal of the college, community college, or school, or under the supervision of an appointed officer or officers. Competent members of the California National Guard, State Military Reserve, or Naval Militia may be detailed by the Adjutant General, with their consent, and upon request of the president, director, chief administrative officer, or principal of the college, community college, or school as instructors of marksmanship practice in the California Cadet Corps. Instructors from the California National Guard, State Military Reserve, or Naval Militia on duty at a college, community college, or school for marksmanship practice shall be under the immediate control and jurisdiction of the governing body of the college, community college, or

school. The expenditures may be paid out of funds appropriated for the maintenance and support of the California Cadet Corps.

SEC. 21. Section 513 of the Military and Veterans Code is amended to read:

513. The Adjutant General may detail from the organizations of the California National Guard, State Military Reserve, or Naval Militia, competent members who shall perform duties on behalf of the California Cadet Corps and who may act as training and marksmanship practice instructors for the California Cadet Corps. The Adjutant General may provide compensation for any person detailed for duty and service with the California Cadet Corps. The expenditures may be paid out of funds appropriated for the maintenance and support of the California Cadet Corps. The Adjutant General may conduct conferences and other events and activities for members of the California Cadet Corps and may utilize funds appropriated for the maintenance and support of the California Cadet Corps for these purposes.

SEC. 22. Section 514 of the Military and Veterans Code is amended to read:

514. (a) Whenever practical, members of the California Cadet Corps shall, under the supervision of the commandant of cadets, be permitted to utilize California National Guard rifle ranges for marksmanship practice when the ranges are not being used by the California National Guard.

(b) Whenever practical, members of the California Cadet Corps shall be permitted to utilize California National Guard facilities for training activities.

SEC. 23. Section 515 of the Military and Veterans Code is amended to read:

515. Units in their first year of operation shall receive an assistance visit to ensure assigned personnel receive the training and support needed to adequately prepare for their first formal, for-record inspection. The executive officer, the assistant executive officer, the regional advisors or military officers of the California National Guard, State Military Reserve, or Naval Militia detailed by the Adjutant General shall inspect units of the California Cadet Corps at least once every two years and annually for any unit receiving a rating of unsatisfactory in a prior year's inspection. Inspectors shall report to the Adjutant General regarding the training, marksmanship, attendance, discipline, military knowledge and instruction, leadership, and condition of property of the California Cadet Corps. These reports shall consist of an inventory of the state property on hand in the cadet units at the time of inspections, and shall be made and forwarded in duplicate, one copy to the Superintendent of Public Instruction and one copy to the Adjutant General's office, and shall bear the endorsement of the president, director, chief administrative officer, or college, community college, or principal of the college, community college, or school, containing remarks the officials may deem pertinent.

SEC. 24. Section 516 of the Military and Veterans Code is amended to read:

516. The president, director, chief administrative officer, or principal of a college, community college, or school shall be responsible for all public property supplied to units of the California Cadet Corps under their control or supervision and shall ensure the property and equipment is properly secured and cared for.

SEC. 25. Section 516.1 of the Military and Veterans Code is amended to read:

516.1. An encampment or encampments may be held by the California Cadet Corps to be of such duration and attended by such proportion of the strength of the corps as may be prescribed by the Adjutant General. The expenses of encampments may be paid out of funds appropriated for the maintenance and support of the California Cadet Corps.

SEC. 26. Section 517 of the Military and Veterans Code is amended to read:

517. Each board of school trustees, president, director, and chief administrative officer of a college or community college, board of trustees of a college or community college, board of education, principal or director of a high school, county superintendent of schools, and the Superintendent of Public Instruction shall facilitate the purposes of the California Cadet Corps and its instruction and the provisions of this chapter by cooperating with the Adjutant General.

SEC. 27. Section 518 of the Military and Veterans Code is amended to read:

518. The provisions of this chapter shall apply to all community colleges in this state, and the principals and governing boards of community colleges shall have the same authority as similar officials of schools.

SEC. 28. Section 519 of the Military and Veterans Code is amended to read:

519. Where a community college is located in close proximity to a school having a California Cadet Corps company or companies, the governing boards of the community college and schools may enter into an agreement to provide for the joint organization of cadet companies.

SEC. 29. Section 520 of the Military and Veterans Code is amended to read:

520. Any executive officer, assistant executive officer, regional advisor, or officer, warrant officer, or noncommissioned officer appointed or detailed pursuant to Sections 502, 502.1, 512, 513, 515, or 516.1, who is wounded, injured, disabled, or killed in the performance of ordered duty shall be entitled to receive compensation from the state in accordance with the provisions of Division 4 (commencing with Section 3200) of the Labor Code. In all such cases, these individuals shall be deemed to be employees of the state. The compensation for any such individual shall be ascertained, determined, and fixed upon the basis of his or her average income from all sources during the year immediately preceding the date of such injury or death, or the commencement of such disability, but such compensation shall in no case exceed the maximum prescribed in Division 4 (commencing with Section 3200) of the Labor Code.

In determining the benefits awarded to an individual under the provisions of this section, it shall be conclusively presumed that the average yearly earning of such injured or deceased individual is not less than ten thousand dollars (\$10,000). Any injury, death, or disability shall be deemed to have been suffered in line of duty unless the injury, death, or disability resulted from misconduct or disobedience of lawful orders by the injured or deceased individual.

SEC. 30. Section 520.1 of the Military and Veterans Code is amended to read:

520.1. The principal and governing board of any private educational institution or military academy in which a J.R.O.T.C. or R.O.T.C. unit is not maintained, but which otherwise meets the qualifications prescribed by this chapter and any rules and regulations that may be adopted by the Adjutant General, may apply to the Adjutant General for permission to establish a cadet company or cadet companies, battalions, or regiments of the California Cadet Corps pursuant to this chapter. If the Adjutant General approves the petition, the principal and governing board of the private school shall have the same authority as similar officials of public schools, community colleges, or colleges to create units of and to become a member of the California Cadet Corps. Any cadet company or companies, or unit formed under this section, shall be governed by the provisions of this chapter as though it were a public school, community college, or college.

SEC. 31. Section 530 of the Military and Veterans Code is amended to read:

530. In any military academy, having not less than 80 students, uniformed, drilled, and instructed in strict accordance with the tactics of the regular United States Army, and in which the instruction is conducted in accordance with military science and tactics of such academy regularly elected or appointed by the board of trustees or other lawful authority of the academy, may be commissioned in the California Cadet Corps with the rank of major or lower rank. Such officers shall exercise no authority or command except as military instructor or instructors or professors of military science and tactics of such academy. Such commissions shall be granted and may be revoked by the Adjutant General, under such rules and regulations as he or she may prescribe.

SEC. 32. Section 531 of the Military and Veterans Code is amended to read:

531. The Adjutant General may enter into a cooperative agreement with the City of Oakland and a school district for the purposes of establishing an Oakland Military Institute. The program would provide a structured, disciplined environment that would be conducive to learning in a college preparatory environment. In addition to academic skills, pupils would develop leadership, self-esteem, and a strong sense of community.

SEC. 33. Section 532 is added to the Military and Veterans Code, to read:

532. (a) The Adjutant General may enter into a cooperative agreement with the governing board of a school district or a county office of education for the purpose of establishing, pursuant to existing statutory authority in the Education Code, a military academy to be operated as a charter school, pursuant to Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code, or as one of the existing alternative education options, available under the Education Code. The program would provide a structured, disciplined environment that would be conducive to learning in a college preparatory environment. In addition to academic skills, students would develop leadership, self-esteem, and a strong sense of community. An academy established pursuant to this section shall comply with the Education Code.

(b) A new California National Guard Youth Program, except for the California Cadet Corps, may only be established as provided by this section if funds are appropriated for purposes of the new program in the annual Budget Act or any other act.